

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4437 of 2007()

CMP.2617/2007 of ADDL.C.J.M.,TRIVANDRUM
CRIME NO.297/07 OF MEDICAL COLLEGE POLICE STATION
.....

PETITIONER/IST ACCUSED

V.VIJAYAKUMARAN NAIR,
S/O.VELAYUDHAN THAMPY, LEKSHMI BHAVAN,
EVRA NO.45A, EDAPAZHANJI, PANGODE WARD,
POOJAPPURA VILLAGE.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF
MEDICAL COLLEGE POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. NO. 4437 of 2007

Dated this the 23rd day of July, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are four accused persons. A crime is registered, inter alia, under Secs.420 and 471 of the IPC. The crux of the allegations is that the de facto complainant is the owner of an item of property. She had pledged it in a bank to raise a loan. The 4th accused – the son of the de facto complainant, had allegedly taken back the document clandestinely from that bank. The 4th accused obtained the document from the bank through the 3rd accused – the Manager of the bank. From A4, the petitioner is alleged to have obtained the original document. He allegedly wanted to raise a loan from the bank. The petitioner availed a loan from another bank. He is the loanee. His mother-in-law - the second accused is the

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surety/guarantor. With the documents of the de facto complainant, the 2nd accused impersonated herself to be the de facto complainant . That is how the loan was obtained by the 1st accused. It is alleged that accused 1 to 4 had acted in collusion. The crime has been registered. Investigation is in progress. The petitioner was arrested on 11/7/07. He continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that the petitioner, who has been continuing in custody from 11/7/07, can now be directed to be released on bail subject to appropriate terms and conditions. None of the co-accused have been arrested so far, it is submitted. It is further submitted that the bank before which A1 and A2 have subsequently obtained loan has initiated steps and the property has now been attached by the bank. At that juncture only the de facto complainant allegedly came to know of the fraud played on her. I am satisfied that the petitioner can be enlarged on bail subject to appropriate conditions.

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3. In the result:

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 30/7/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays, Wednesdays and Fridays between 10 a.m. and 12 noon for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. To Judge

3. In the result:

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until the final report is filed.

Nan/

(R. BASANT, JUDGE)